

CHAPTER NO. 206

HOUSE BILL NO. 1634

By Representative West

Substituted for: Senate Bill No. 1088

By Senator Jackson

AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 27, relative to polygraphs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-27-122, is amended by deleting the language "The board" and by substituting instead the language "The commission".

SECTION 2. Tennessee Code Annotated, Section 62-27-123(b), is amended by deleting the language "any board member" and by substituting instead the language "any commission member".

SECTION 3. Tennessee Code Annotated, Section 62-27-123(c), is amended by deleting the language "any board member" and by substituting instead the language "any commission member".

SECTION 4. Tennessee Code Annotated, Section 62-27-125(1), is amended in the first sentence by deleting the language "prescribed by the board" and by substituting instead the language "prescribed by the commission".

SECTION 5. Tennessee Code Annotated, Section 62-27-105, is amended by deleting such section in its entirety and by substituting instead the following:
Section 62-27-105.

(a)

(1) The commission shall issue rules and regulations necessary for the administration and enforcement of this chapter and shall prescribe forms to be used in connection with it.

(2) The commission shall prescribe rules requiring continuing education as a prerequisite for renewal of licenses as polygraph examiners in accordance with Section 62-27-129.

(b) The commission shall have the right and power to contract for the services of any licensed qualified polygraph examiner to assist with the administration and analysis of polygraph examinations.

SECTION 6. Tennessee Code Annotated, Section 62-27-111(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) Upon approval by the commission, an internship permit shall be issued to an intern applicant who has completed a recognized polygraph school; provided, that the intern applicant applies for such license and pays the required fee.

SECTION 7. Tennessee Code Annotated, Section 62-27-111, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) An internship permit shall be valid for the term of twelve (12) months from the date of issue. Such permit may be extended or renewed for any term not to exceed six (6) months upon good cause shown to the commission. The intern may apply for an examiner's license after completion of six (6) months from the date of issue of the internship, provided, that all other requirements of this chapter are met.

SECTION 8. Tennessee Code Annotated, Section 62-27-111, is amended by deleting subsection (c) in its entirety and by substituting instead the following:

(c) An intern shall not be entitled to hold an internship permit after the expiration date of the original twelve (12) month period and six (6) month extension, if such extension is granted by the commission, until twelve (12) months after the date of expiration of the last internship permit held by the intern.

SECTION 9. Tennessee Code Annotated, Section 62-27-111(d), is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) All intern applicants are required to take and pass an intern examination as prescribed by the commission prior to the commencement of an internship unless the applicant has completed a polygraph school or held a polygraph examiner license in the state of Tennessee in the immediate preceding twenty-four (24) month period.

SECTION 10. Tennessee Code Annotated, Section 62-27-113, is amended by deleting subsection (b) in its entirety.

SECTION 11. Tennessee Code Annotated, Section 62-27-120, is amended by deleting such section in its entirety.

SECTION 12. Tennessee Code Annotated, Section 62-27-123(b), is amended by deleting the language "any board member" and by substituting instead the language "any commission member".

SECTION 13. Tennessee Code Annotated, Section 62-27-123 (a)(1)(C), is amended by adding the language "unless the examinee is represented by legal counsel and such counsel requests the results be given to counsel rather than to the examinee" to the end of the subsection.

SECTION 14. Tennessee Code Annotated, Section 62-27-124 (b), is amended by deleting such subsection in its entirety.

SECTION 15. Tennessee Code Annotated, Section 62-27-125, is amended by deleting the subdivisions (1)(I), (2), and (3) in their entireties.

SECTION 16. Tennessee Code Annotated, Section 62-27-125(1), is amended by deleting the language of subdivision (F) in its entirety and by substituting instead the following:

(F) That the examinee or the examinee's attorney has the right to make an audio or video recording of the examination and pretest interview.

SECTION 17. This act shall take effect July 1, 2003, the public welfare requiring it.

PASSED: May 15, 2003



JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES



JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 29th day of May 2003



PHIL BREDESEN, GOVERNOR